

Exhibit C

<p style="text-align: right;">Page 237</p> <p>1 then on the right arm?</p> <p>2 A. Correct.</p> <p>3 Q. Why do you do that?</p> <p>4 A. Because of the way they --</p> <p>5 attachments -- the -- there is a long cord for the</p> <p>6 attachments and I can -- where I'm sitting here</p> <p>7 (indicating) when I -- and when I inflate the cuff, I</p> <p>8 can see the cuff, I can see the arm.</p> <p>9 Q. So the -- as we said before, the</p> <p>10 subject's right arm is closer to you.</p> <p>11 A. Yes.</p> <p>12 Q. Do you think that if you had known</p> <p>13 that Ms. Harris's other young son had been taken from</p> <p>14 her while she was in custody by the police and the</p> <p>15 Department of Corr -- of -- Department of Children</p> <p>16 and Family Services, that that could have had an</p> <p>17 impact on her reactions that would have affected the</p> <p>18 outcome of the polygraph examination?</p> <p>19 A. Sure.</p> <p>20 Q. And that's because it would be</p> <p>21 something similar to grief or shock?</p> <p>22 A. Absolutely.</p> <p>23 Q. Was there any reason that you couldn't</p> <p>24 wait until the next day or the next week to</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>	<p style="text-align: right;">Page 239</p> <p>1 or not.</p> <p>2 As it was, we couldn't, but while she</p> <p>3 was there, we wanted to give her every opportunity to</p> <p>4 pass the examination. She was there and there was --</p> <p>5 you know, there's always a possibility that she would</p> <p>6 have passed that -- that -- that examination.</p> <p>7 Q. So you left it up to her to decide.</p> <p>8 It wasn't your discretion. It was up to her to</p> <p>9 decide whether to proceed?</p> <p>10 A. No. It was up to me and her. If she</p> <p>11 said "I don't want to do this," we would have</p> <p>12 stopped. If she was upset, I would have stopped.</p> <p>13 How --</p> <p>14 Q. And if she thought that was her ticket</p> <p>15 to get out of custody and be able to grieve her son</p> <p>16 not in police custody --</p> <p>17 A. Then I should --</p> <p>18 Q. -- she had every motivation to go</p> <p>19 forward.</p> <p>20 A. Then I should -- and I should afford</p> <p>21 her that opportunity.</p> <p>22 Q. Even if you knew there were factors</p> <p>23 that would affect the reliability of the results?</p> <p>24 A. Yes.</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>
<p style="text-align: right;">Page 238</p> <p>1 administer a polygraph examination to Ms. Harris?</p> <p>2 A. That would have been up to the</p> <p>3 detectives. She was willing at that point.</p> <p>4 Q. But you could have exercised your</p> <p>5 discretion to say, "I think we should wait since</p> <p>6 you've just had this loss; I think the results might</p> <p>7 be more reliable if we wait a day or a week"?</p> <p>8 A. Well, she was -- she was there and she</p> <p>9 was given an opportunity to pass this examination,</p> <p>10 and if she was -- and if she was brought in and she</p> <p>11 passed, then there would have been no reason to</p> <p>12 retest her. I would have walked -- walked out and</p> <p>13 told Detective Noradin that she had passed the</p> <p>14 examination.</p> <p>15 Q. Okay. I think my question was: Was</p> <p>16 there any reason why you could not have exercised</p> <p>17 your discretion to say that it would -- the test</p> <p>18 results would have been more reliable if you'd waited</p> <p>19 a day or longer in order to administer the polygraph</p> <p>20 to Ms. Harris?</p> <p>21 A. The results would have been probably</p> <p>22 more reliable. We would have gotten a better -- a --</p> <p>23 I don't know if I'd say better -- more of an</p> <p>24 understanding as to whether she was telling the truth</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>	<p style="text-align: right;">Page 240</p> <p>1 Q. And the reason for that was?</p> <p>2 A. Because she could have passed that</p> <p>3 examination.</p> <p>4 Q. And you made the decision not to wait</p> <p>5 even though the SOP said that there were several</p> <p>6 factors that would affect the suitability of</p> <p>7 Ms. Harris as a subject.</p> <p>8 A. Yes. I wanted her to pass, give her</p> <p>9 every opportunity to pass the exam.</p> <p>10 Q. Well, do you know whether she would</p> <p>11 have passed the following day?</p> <p>12 A. No, I don't.</p> <p>13 Q. Did you give her the opportunity to</p> <p>14 try to pass the following day?</p> <p>15 A. It wasn't my decision.</p> <p>16 Q. Did you suggest to the detectives, to</p> <p>17 Noradin or anyone else who was with her, "I think</p> <p>18 we -- we can't tell on this test the way that I read</p> <p>19 it using my global assessment. I think we had better</p> <p>20 try this again when she's not so close to the death</p> <p>21 of her four-year-old son"?</p> <p>22 A. No, I didn't.</p> <p>23 Q. Why not?</p> <p>24 A. Don't know.</p> <p style="text-align: center;">BREHON REPORTING (708) 442-0027</p>

Page 241

1 Q. No reason?

2 A. No reason.

3 Q. Why did you want her to pass?

4 A. It's not that I wanted her to pass. I

5 wanted to give her the opportunity to pass.

6 Q. Why?

7 A. Everybody is afforded the opportunity

8 to pass.

9 Q. So no different from any other subject

10 that you're -- you're giving a polygraph --

11 A. Nope.

12 Q. -- exam to?

13 Nothing special about Ms. Harris; is

14 that right?

15 A. Correct.

16 (WHEREUPON, Mr. Stuart Chanen and

17 Ms. Natalie Jenkins entered the

18 deposition.)

19 MR. NATHAN: I just would like everybody to

20 indicate who they are for the record, because two

21 additional people walked in.

22 MS. SUSLER: Yeah. These are people on

23 Ms. Harris's team.

24 MR. NATHAN: Okay. Well I . . .

BREHON REPORTING (708) 442-0027

Page 242

1 MS. SUSLER: Okay. I mean, you know Stuart

2 Chanen, he was --

3 MR. NATHAN: I know Mr. Chanen.

4 MS. SUSLER: -- just here yesterday;

5 Ms. Jenkins is a paralegal working on the case.

6 MR. NATHAN: Hi.

7 MS. SUSLER: All right.

8 BY MS. SUSLER:

9 Q. Anything you can tell me about your

10 pretest with Ms. Harris to distinguish whether it was

11 an interrogation or an interview?

12 A. No.

13 Q. Did Ms. Harris ever refuse to answer a

14 question?

15 A. I don't know.

16 Q. How long did the pretest take?

17 A. I don't remember.

18 Q. How long did it take you to formulate

19 the questions?

20 A. I don't remember.

21 Q. Did you consult with Noradin or the

22 other detectives about the questions?

23 A. No.

24 Q. Well, you did in the office before you

BREHON REPORTING (708) 442-0027

Page 243

1 went into the pretest, right?

2 A. Yes.

3 Q. Okay. Did you take any notes when you

4 were in the pretest with Ms. Harris?

5 A. Yes.

6 Q. How long did it take you to read her

7 the questions?

8 A. I don't remember.

9 Q. Did she have any questions as you read

10 her the questions?

11 A. No.

12 Q. You remember that?

13 A. If she had a question on the

14 examination, I would have changed the question for

15 her or I would have explained it because part of my

16 testing is I review the questions with her before I

17 give her the test.

18 Q. But do you have any specific memory

19 about whether Ms. --

20 A. No, ma'am.

21 Q. Okay.

22 MS. SUSLER: We're up to 41?

23 MS. REPORTER: We are.

24 MS. SUSLER: There's two there.

BREHON REPORTING (708) 442-0027

Page 244

1 (WHEREUPON, Exhibit 41 was marked

2 and tendered to Witness.)

3 BY MS. SUSLER:

4 Q. Earlier you said you took notes on

5 a -- a polygraph worksheet. What I've handed you is

6 Bates stamped City 575 that's titled "Polygraph

7 Examiner's Worksheet." Do you recognize this?

8 A. Yes.

9 Q. What is it?

10 A. This is Ms. Harris's examiner

11 worksheet.

12 Q. Whose handwriting is on it?

13 A. Mine.

14 Q. All the handwriting on this anywhere

15 is all yours?

16 A. Yes.

17 Q. Okay.

18 A. Except -- excuse me. Except for this

19 circle. I don't know what that is. I don't know who

20 put that there. That's not mine.

21 Q. Okay. That -- this --

22 A. But other than that --

23 Q. -- one right here (indicating) --

24 A. Yes.

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